

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HP Tuners LLC

Plaintiff,

v.

Worldly Exhibits

Defendant.

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)
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Case No. 18-cv-2063

MOTION FOR DEFAULT JUDGMENT

Plaintiff, HP Tuners LLC (“HPT”), by and through its attorney, Michele J. Braun, and pursuant to Fed. R. Civ. P. 55, respectfully moves this Court to enter a default judgment in its favor and against the Defendant, Worldly Exhibits (the “Defendant”) in the amounts specified below. In support of this motion, HPT states the following:

1. On March 22, 2018, HPT filed the instant complaint against the Defendant, with count I alleging breach of contract, count II alleging fraud in the inducement, counts III and IV alleging violations of the Illinois Consumer Fraud and the Deceptive Business Practices Act, 815 ILCS 505/1 et. seq. and count V alleging breach of implied warranty of fitness for a particular purpose.

2. On March 28, 2018, the Defendant was properly served with the complaint, summons, Notice of Mandatory Initial Discovery and Standing Order.

3. The summons clearly stated that a judgment by default will be entered if the Defendant failed to file an answer to the complaint within 21 days after service of the summons.

4. On April 11, 2018, the Defendant filed an informal letter with this Court in lieu of filing an answer to the material allegations in the complaint.

5. Defendant's letter does not comply with the general rules for pleading an answer to a complaint, as set forth in Fed. R. Civ. P. 8(a)-(d).

6. To date, the Defendant has failed to file an answer to the material allegations in the complaint in accordance with Fed. R. Civ. P. 8(a)-(d) and is therefore in default.

7. Pursuant to Fed. R. Civ. P. 55, HPT respectfully requests that a default judgment be entered against the Defendant in the amount of \$94,641.71, plus costs in the amount of \$488.00.

8. Attached hereto and incorporated herein are HPT's Prove-Up Affidavits and Attorney Affidavit. See Exhibit A and Group Exhibit B.

9. HPT is also entitled to an award of its attorney fees and punitive damages in its favor and against the Defendant pursuant to the provisions of the Illinois Consumer Fraud and the Deceptive Business Practices Act, 815 ILCS 505/1 et. seq., for the reasons set forth in Counts III and IV of its complaint.

WHEREFORE, the Plaintiff, HP Tuners LLC, prays that this Court enters a default judgment in its favor and against the Defendant, Worldly Exhibits, in the amount of \$94,641.71, plus \$488.00 in costs and for any further relief that this Court deems just and proper.

Dated: April 30, 2018

HP Tuners, LLC

By: /s/ Michele J. Braun
One of Its Attorneys

Michele J. Braun
Law Offices of Michele J. Braun
1906 Maplewood Rd.
Northbrook, IL 60062
847-559-8406
Michele @mjbraunlaw.com
ARDC no. 6187398

EXHIBIT A

Michele @mjbraunlaw.com
ARDC no. 6187398

EXHIBIT 1

Pay.gov Payment Confirmation: ILND CM ECF

notification@pay.gov

Wed 3/21/2018 5:21 PM

To: Michele Braun <michele@mjb Braunlaw.com>;

Your payment has been submitted to Pay.gov and the details are below. If you have any questions or you wish to cancel this payment, please contact ILND CM ECF Help Desk at 312-582-8727.

Application Name: ILND CM ECF

Pay.gov Tracking ID: 268ILH7D

Agency Tracking ID: 0752-14263170


Transaction Type: Sale

Transaction Date: Mar 21, 2018 6:21:36 PM

Account Holder Name: Michele Braun

Transaction Amount: \$400.00

Card Type: Visa

Card Number: *****

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

GROUP EXHIBIT B

I, the undersigned, declare under penalty of perjury under the laws of the United States of America that the statements set forth in this Affidavit are true and correct.

Dated: April 25, 2018

By:

A stylized handwritten signature, likely of Nader Rayes, consisting of a large 'N' and 'R' joined together.

Nader Rayes

Prepared by:

Michele J. Braun
Law Offices of Michele J. Braun
1906 Maplewood Rd.
Northbrook, IL 60062
847-559-8406
Michele @mjbraunlaw.com
ARDC no. 6187398

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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| | | |
|------------------|---|---------------------|
| HP Tuners LLC |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 18-cv-2063 |
| |) | |
| Worldly Exhibits |) | |
| |) | |
| Defendant. |) | |

AFFIDAVIT OF BOBBI MUNSON

I, Bobbi Munson, being duly sworn under oath and under penalty of perjury, depose and states as follows:

If sworn as a witness in the above-captioned matter, I could competently testify to the following facts:

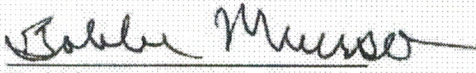
1. I am over the age of 18 and have personal knowledge of the matters set forth in this affidavit.
2. At all times relevant herein, I was, and still am, employed by the Plaintiff, HP Tuners LLC, as Director of Operations.
3. I have reviewed the complaint filed in this case.
4. I have personal knowledge of the facts alleged in paragraphs 1, 15, 19, 30, 32, 45, 47, 50, 51(j), 53, and 69 of the complaint
5. The facts alleged in paragraphs 1, 15, 19, 30-32, 45, 47, 50, 51(j), 53, and 69 of the complaint are true and correct.
6. HP Tuners LLC suffered \$94,641.71 in monetary damages as a result of the Defendant's wrongful conduct. This figures includes:

- a. \$43,768.35 - the purchase price paid to Worldly Exhibits in full prior to fabrication and ordering of materials (*see* Complaint, Exhibits C and G);
- b. \$12,979.10 - paid to Worldly Exhibits on 10/27/17 for the add-on items that were never discussed/quoted (*see* Complaint, Exhibits F and G);
- c. \$30,509.87 - paid to Freeman (*see* Complaint, Exhibit G);
- d. \$1,604.35 - rental car fee (*see* Complaint, Exhibit G);
- e. \$580.04 - paid to Home Depot for tools used to build/set-up the exhibit (*see* Complaint, Exhibit G); and
- f. \$5,200.00 - for the man-hours provided by HPT employees in excess of the total hours planned (*see* Exhibit 1 and Complaint, Exhibit G).

Further Affiant sayeth not.

I, the undersigned, declare under penalty of perjury under the laws of the United States of America that the statements set forth in this Affidavit are true and correct.

Dated: April 25, 2018

By: 
Bobbi Munson

Prepared by:

Michele J. Braun
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1906 Maplewood Rd.
Northbrook, IL 60062
847-559-8406
Michele @mjbraunlaw.com
ARDC no. 6187398

EXHIBIT 1

- Booth Tracking

| First Name | Last Name | Title | Arrival |
|------------|-----------|-------------------------|-----------------------------|
| Andrew | Mernone | Director of Marketing | Friday, October 27, 2017 |
| Bobbi | Munson | Director of Operations | Monday, October 30, 2017 |
| David | Arenberg | CFO | Wednesday, November 1, 2017 |
| Evan | Light | Marketing | Saturday, October 28, 2017 |
| Gideon | Bailey | Sales | Monday, October 30, 2017 |
| Ion | Salton | Director of Engineering | Tuesday, October 31, 2017 |
| Jan | Moeller | Sales | Sunday, October 29, 2017 |
| Jay | Payson | Director of Sales | Sunday, October 29, 2017 |
| Jim | Ferraro | Sales | Monday, October 30, 2017 |
| Mark | Laurishke | Engineering | Sunday, October 29, 2017 |
| Mark | Steele | Engineering | Monday, October 30, 2017 |
| Nader | Rayes | Marketing | Friday, October 27, 2017 |
| Paul | Cato | Sales | Sunday, October 29, 2017 |
| Weston | Pawlowski | Engineering | Monday, October 30, 2017 |

SEMA Las Vegas - Booth Tracking

| Departure | Rates | Planned Hours | SETUP | |
|----------------------------|----------|---------------|--------------------|--------------|
| | | | Planned Cost | Actual Hours |
| Monday, November 6, 2017 | \$ 50.00 | 8 | \$ 400.00 | 28 |
| Friday, November 3, 2017 | \$ 50.00 | | | |
| Friday, November 3, 2017 | \$ 50.00 | | | |
| Saturday, November 4, 2017 | \$ 50.00 | | | |
| Friday, November 3, 2017 | \$ 50.00 | | | |
| Friday, November 3, 2017 | \$ 50.00 | | | |
| Friday, November 3, 2017 | \$ 50.00 | 0 | \$ - | 12 |
| Saturday, November 4, 2017 | \$ 50.00 | | | |
| Saturday, November 4, 2017 | \$ 50.00 | | | |
| Wednesday, October 4, 2017 | \$ 50.00 | 4 | \$ 200.00 | 12 |
| Saturday, November 4, 2017 | \$ 50.00 | 0 | \$ - | 8 |
| Monday, November 6, 2017 | \$ 50.00 | 8 | \$ 400.00 | 28 |
| Saturday, November 4, 2017 | \$ 50.00 | 0 | \$ - | 12 |
| Friday, November 3, 2017 | \$ 50.00 | 1 | \$ 50.00 | 3 |
| Totals | | 21 | \$ 1,050.00 | 103 |

| PACKUP | | | | |
|--------------------|---------------|--------------------|--------------|--------------------|
| Actual Cost | Planned Hours | Planned Cost | Actual Hours | Actual Cost |
| \$ 1,400.00 | 8 | \$ 400.00 | 14 | \$ 700.00 |
| | 0 | \$ - | 2 | \$ 100.00 |
| \$ 600.00 | 2 | \$ 100.00 | 4 | \$ 200.00 |
| | 0 | \$ - | 2 | \$ 100.00 |
| \$ 600.00 | | | | |
| \$ 400.00 | 1 | \$ 50.00 | 2 | \$ 100.00 |
| \$ 1,400.00 | 8 | \$ 400.00 | 14 | \$ 700.00 |
| \$ 600.00 | 0 | \$ - | 2 | \$ 100.00 |
| \$ 150.00 | 1 | \$ 50.00 | 2 | \$ 100.00 |
| \$ 5,150.00 | 20 | \$ 1,000.00 | 42 | \$ 2,100.00 |

| | Hours | Cost |
|---------------|-------|-------------|
| Total Planned | 41 | \$ 2,050.00 |
| Total Actual | 145 | \$ 7,250.00 |
| Overage | | \$ 5,200.00 |

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Further affiant sayeth not.

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Dated: April 25, 2018.

By: 

Andrew Mernone

Prepared by:

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